



Iowa Department of Human Services

Terry E. Branstad
Governor

Kim Reynolds
Lt. Governor

Charles M. Palmer
Director

February 7, 2014

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| Date Complaint Received: 11/13/13 |
| Complaint Received By: Chad Reckling, SW II |
| Provider Name and Location: Judi Wagoner 2119 Lucas St Muscatine IA 52761 |
| Complaint: It was reported to the department that someone went to the daycare home today and smelled a strong odor of marijuana in the home. The provider's substitute, Angel Bierman was present in the home along with 4 daycare children. It is unknown who was using the marijuana or if they were using when the children were present. Rule Basis: IAC 110.5(1) Conditions in the home are safe, sanitary and free of hazards. 110.5(1)o Smoking and the use of tobacco products is prohibited at all times in the home and vehicles used to transport children. Smoking and use of tobacco products prohibited in outdoor play area during hours of operation. |
| Findings: This worker went to the daycare home of Judi Wagoner on 11/15/13 and confronted her with the allegations. No daycare children were present as Judi stated that she had the day off. Angel Bierman, Judi's substitute and assistant was also present during the interview. Judi stated that the home smelled "skunky" to her on Wednesday because she had just gotten a new space heater for her bedroom and it smelled bad after she turned it on for approximately 3 to 4 hours and then the smell dissipated. Judi denied that anyone in the home would have smoked marijuana. She stated that if the department wanted to drug test any household member that they could and that the test would come back negative. Three household members including her were present in the home on Wednesday. Judi and Angel do not recall any one else being present in the home or smoking in the home on Wednesday. This worker did not observe or smell any presence of cigarette or marijuana smoking that would have occurred in the home. This worker observed the new space heater present in Judi's bedroom on the main floor and did not smell any odor coming from Judi's bedroom as a result of this heater being on. Judi stated that the smell and smoke was so bad on Wednesday from her turning it on that it had set off the smoke detector in her bedroom and the kitchen. This worker did not complete a compliance visit to the home today as one had been completed on 11/8/13. 1/28/14 This worker left message for one daycare parent that utilizes Judi for their daycare provider to call this worker back. 1/28/14 This worker spoke with a daycare parent that has used Judi in the past for her full-time daycare provider. Currently this parent utilizes Judi as her back up daycare. This worker asked this parent if they had noticed any suspicious odor or evidence of smoking or marijuana usage in the home. This parent stated that they did not observe those things when they were present in the house either picking up or dropping off their children. 1/30/14 This worker left a message for another daycare parent to contact them regarding Judi |

Wagoner.

2/6/14 This worker spoke with the daycare parent and asked them if they have observed or smelled any signs of illegal drug usage in the daycare home. The parent reported that they tend to drop into the home quite often to see how their child is doing and when they have been in the home they have not smelled or observed any signs of illegal drug usage.

This worker was unable to obtain sufficient evidence to validate the concerns presented before the department. This daycare complaint is **unsubstantiated**.

Resolution: Judi will have all non-compliance items noted in the 11/8/13 visit completed by **1/2/14**. Judi will continue to abide by all rules and regulations as outlined in Iowa Code section 237A and Iowa Administrative Code 441 section 110 as they pertain to her specific category of registered child development home.

If you have any questions regarding this matter feel free to contact me at (319) 208-5521 or creckli@dhs.state.ia.us.

Sincerely,

Chad Reckling, Social Worker II
560 Division St, Ste 200
Burlington IA 52601